

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK GARNES,

Plaintiff,

-v-

PRITCHARD INDUSTRIES, INC.

Defendant.

23 Civ. 6699 (PAE) (SLC)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court is in receipt of plaintiff Mark Garnes's objections, Dkt. 37, to the Report and Recommendation issued by Magistrate Judge Sarah L. Cave on July 22, 2024, Dkt. 31 (the "Report"). The Report stated that "[t]he parties shall have fourteen (14) days (including weekends and holidays) from service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure." Dkt. 31, at 30.

On August 1, 2024, the Court granted Garnes's request for an extension of the deadline to file any objections to the Report, to August 19, 2024. Dkt. 35 ("August 1 Order"). In its August 1 Order, the Court stated that "[t]his deadline will not be further extended," *id.*, mindful of the delay and duplication of effort occasioned by Garnes's failure to meet previous filing deadlines in this litigation, *see, e.g.*, Dkts. 19, 34.

On August 26, 2024, the Court issued an opinion and order in which it adopted the Report's recommendation in its entirety. Dkt. 36. In light of the disposition therein, the Court directed that "to the extent Garnes wishes to plead additional facts in support of his LMRA

claim, he must file any amended complaint by September 11, 2024. Failure to do so will result in dismissal of this case.” Dkt. 36 at 4.

On September 5, 2024, the Court was notified by the District’s Office of Pro Se Litigation that Garnes appeared to have hand-delivered his objections to the Clerk of the Court on August 19, 2024, but due to an inadvertent delay, such document had not been docketed until September 3, 2024. Dkt. 37 at 24.

The Court will consider Garnes’s objections to the Report. The Court directs Pritchard to file any response to Garnes’s objections by September 20, 2024. Garnes’s deadline to file any amended complaint is stayed pending the Court’s consideration of his objections.

The Clerk of the Court is respectfully directed to mail a copy of this order to Garnes at the address on file.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: September 6, 2024
New York, New York